

United States District Court  
District of Massachusetts

Joseph Marion Head  
VS

Unknown Parties  
No. 04-40089-RGS

And

United States of America  
No. 04-40090-RGS

And

United States of America,  
State of North Carolina,  
David L. Winn  
No. 04-40103-RGS

And

Numbers Below As Applies  
04-CV-0522  
04-CV-11120  
04-CV-40042  
04-CV-40084  
04-CV-40090  
04-CV-40103

Notice of Appeal  
In Forma Pauperis  
As To Each Case  
And  
Motion For Appointment  
Of Counsel On Appeal  
Of Each Case

Now Comes, Joseph Marion Head, who pro se  
gives notice of appeal to the First Circuit  
Court of Appeals, from the Final Order of  
United States Federal District Court Judge, Richard  
C. Stearns, dated November 9, 2004, dismissing  
without prejudice the above entitled case. As

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said order, appellant objects thereto and makes exceptions thereto as legally applies.

### The Issues On Appeal Are

Each presented claim and grounds etc. in the above entitled cause and all others of prison and court records relating to appellant which may be presented on appeal hereof. As to all the aforesaid, see the prison and court records relating to the aforesaid and appellant herein and Records of F.M.C. Devens Relating To Appellant herein.

Signed Joseph Marion Hens Reg. No. 17549-056

N-2 Cell 219, F.M.C. Devens  
Post Office Box 879  
Ayer, Massachusetts, 01432

Date This Notice of Appeal Sent  
To The District Court, Boston Ma.  
November 17th, 2004

Joseph Marion Hens Junior Reg. No. 17549-056

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-40089- RGS

JOSEPH MARION HEAD

v.

UNKNOWN PARTIES, et al.

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CIVIL ACTION NO. 04-40090- RGS

JOSEPH MARION HEAD

v.

UNITED STATES OF AMERICA, et al.

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CIVIL ACTION NO. 04-40103- RGS

JOSEPH MARION HEAD

v.

UNITED STATES OF AMERICA,  
STATE OF NORTH CAROLINA, and DAVID L. WINN

ORDER OF DISMISSAL

November 9, 2004

STEARNS, D.J.

The plaintiff Joseph Head, Jr. is a serial filer and an established nuisance in any number of federal courts. In 2004, this session has been assigned seven cases instituted

by Head.<sup>1</sup> On September 17, 2004, this court issued an Order enjoining Head from filing further petitions without leave of court.

The above caption identifies Head's cases currently pending in this session. These cases will be dismissed and are to be refiled only with the prior permission of the court. The court relies on its authority to sua sponte dismiss cases that are patently frivolous or incurable by amendment. See Clorox Co. Puerto Rico v. Proctor & Gamble Commercial Co., 228 F.3d 24, 30-31 (1st Cir. 2000). Cf. Neitzke v. Williams, 490 U.S. 319, 329 (1989). Accordingly, cases 04-cv-40089, 04-cv-40090, and 04-cv-40103 are DISMISSED without prejudice.

SO ORDERED.

/s/ Richard G. Stearns

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UNITED STATES DISTRICT JUDGE

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<sup>1</sup>Those cases are enumerated as follows: 04-cv-10522; 04-cv-11120; 04-cv-40042; 04-cv-40084; 04-cv-40089; 04-cv-40090; and 04-cv-40103.



UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS  
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(617) 748-9152



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